

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, March 7, 2008
Riverpark Inn
350 South Freeway
Tucson, Arizona 85745

PRESENT: (Commission)

(Director's Staff)

Chairman William H. McLean
Vice Chairman Robert D. Hernbrode
Commissioner Jennifer L. Martin
Commissioner Robert R. Woodhouse
Commissioner Michael M. Golightly

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Chairman McLean called the meeting to order at 8:00 a.m. This meeting followed an agenda dated February 19, 2008.

* * * * *

1. Executive Session

The Commission voted to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussion and consultation with legal counsel.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

* * * * *

Chairman McLean called the meeting back to order following Executive Session. The Commission introduced themselves and Chairman McLean introduced the Director and the Director's staff.

Pledge of Allegiance

Chairman McLean lead those present through the Pledge of Allegiance.

Awards and Commissioning of Officers

Director Shroufe introduced four new Department Wildlife Managers: Kevin Bodmer, Jarrod McFarlin, Michael Rice and Danny Rodriguez. The officers were sworn in by Chairman McLean.

* * * * *

2. Litigation Report

There were no comments or questions on this item.

* * * * *

3. Espee Ranch Option Purchase Agreement

Presenter: James F. Odenkirk, Assistant Attorney General

Babbitt Ranches offered to convey an access and open space conservation easement on Espee Ranch. The easement will protect the ranch from most commercial and residential development and will insure permanent access for lawful hunting, fishing and trapping. The Commission may enter into an option purchase agreement that would give the Commission an exclusive right to purchase the conservation easement. If the Commission exercises the option, Babbitt Ranches will convey the access easement to the Commission and the open space easement to Coconino County.

Mr. Odenkirk reported that he had intended to provide the Commission with a finalized option purchase agreement and conservation easement agreement for their approval at this meeting, but had not been able to finalize the details with Babbitt Ranches. Babbitt Ranches' legal counsel assured Mr. Odenkirk that Babbitt Ranches remains committed to this project and wants to move forward. This item will be brought back to the Commission at the April Commission meeting.

* * * * *

4. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles reported to the Commission on the current status of selected state and federal legislation and current elective issues. The Commission was provided with a document outlining legislation that the Department is currently tracking, dated March 7, 2008. Also provided was an update on Congressional legislation dated February 2008 (both updates were available to the public).

Mr. Guiles further briefed the Commission on the following:

Bills Supported by the Commission:

- HB 2251: Game and Fish Omnibus – On 03/03/08 Passed House Floor Vote 56-3; ready for Senate
- HB 2573: Off-Highway Vehicles; User Fee – On 03/04/08 Approved House COW with floor amendments; scheduled for floor vote on 03/06/08, but was postponed; will probably be on third read calendar for next Monday (#4475 Weiers Amendment, #4476 Kavanagh Amendment)
- HB 2024: Megan Evan's Law - Last action on 02/18/08; additionally referred to House Judiciary Committee; not on the agenda for this week, so is probably dead at this point.

- HB 2067: Game and Fish; Guide Licenses - Last action on 02/28/08; referred to Senate Natural Resources Committee; will be on the agenda for Committee next Wednesday
- HB 2068: Game and Fish; Private Enterprise; Fund - Passed House 54-5; ready for Senate
- SB 1080: Operating Under the Influence; Watercraft - Passed Senate Committee with amendment (#4340 Gould Amendment).

Bills Opposed by the Commission:

- HCR 2037: Constitutional Rights; Game and Fish - Passed House Committee on 03/05/08 with proposed amendment (#4522 HCR 2037 Amendment); Passed as amended 6-3
- HCR 2256: Game and Fish; Senior Hunters - Held in House Committee on 02/06/08; no further action likely this session
- HCR 2004: Appropriation of Federal Monies - Last action on 02/13/08; passed House Appropriations
- SCR 1009: Public Agency Lobbyists - Held in Senate Government Committee on 02/04/08; no further action likely this session
- HCR 2068: Forest Service Road Management Plan - Received a 'do pass' in House Committee on 03/05/08 (postcard to Congress – the State of Arizona sends a message to Congress)
- HCR 2033: (Striker Amendment HCR 2033) - Exchanges of trust land for wildlife conservation purposes. This bill will go to a third read on a couple of weeks. The Department will do an analysis on this bill and provide that to the Commission by next week.

Budget Update:

- The House and Senate adopted an amendment that froze the monies swept from State Agencies by the Appropriations Committee. This is a place holder until they have a budget bill that they are ready to work on. They will be working on 2008 and 2009 budgets together as one package.

Congressional Bills:

- HR 2016: National Landscape Conservation System Act - Introduced in House (Congressman Raul Grijalva)
- HR 5137: To ensure that hunting remains a purpose of the New River Gorge National River - Introduced in House (03/04/08 passed in the House; 03/05/08 referred to the Senate Committee on Energy and Natural Resources.
- HR3287: Tumacacori Highlands Wilderness Act of 2007 - Introduced in House; latest major action on 11/13/2007; subcommittee hearings held. Department staff along with Commissioners Hernbrode and McLean met with Congressman Grijalva's staff and have been working with them on some of the bill language and not just report language
- HR 5177: Pima County Land Adjustment Act - Introduced in House; 01/31/08 referred to the Subcommittee on National Parks, Forests, and Public Lands.

The Commission further discussed HCR 2037. The Commission has been working with the National Rifle Association to address their concerns with the language.

Public Comment

Todd Rathner, National Rifle Association (NRA), addressed the Commission stating that his organization was still open to discussion on the language in HCR 2037, even if they were not able to address some of the specific Commission concerns.

The Commission discussed the current language of HCR 2037 (opposed at the February 21, 2008 Telephonic Commission meeting), and further discussed that they needed language that they could support. The Commission would like to support the bill, but if they cannot agree on new language with the NRA, then the Commission and its constituents needed to be at the Legislature opposing this bill. The Commission further discussed new language provided to them via email by Ms. Cutts on March 4, 2008.

Motion: Golightly moved THAT THE COMMISSION VOTE TO ACCEPT AND APPROVE THE LANGUAGE OFFERED BY THE ASSISTANT ATTORNEY GENERAL MS. CUTTS.

Mr. Odenkirk advised the Commission that the language needed to be provided to the public prior to the Commission taking any action on the language.

Motion withdrawn.

This item was tabled in order to make copies of the language for public distribution.

Public Comment

Todd Rathner, NRA, addressed the Commission on another subject regarding the press release that went out from the Department yesterday. Mr. Rathner felt that the press release had conclusions and opinions that were not constructive to the process of moving forward in discussions regarding the language in HCR 2037.

Chairman McLean stated that his quotes in the press release (attached to these minutes) were accurately reported and that he considered them to be informational and not inflammatory. The Commission intends to continue to work with the NRA on the language of the bill.

Commissioner Martin added that the Commission needs to inform the public and its constituents on why it has opposed the bill.

Public Comment

Sandy Bahr, Sierra Club, thanked the Commission for opposing HCR 2037. Ms. Bahr stated for the record that the Sierra Club is not anti-hunting. They have a very specific position that bases hunting on scientifically valid biological data consistent with other management purposes. The real threat to hunting in Arizona is the loss of wildlife habitat and it would behoove everyone to focus on that. Ms. Bahr also mentioned HCR 2033 (Exchanges of trust land for wildlife conservation purposes) stating that this type of measure has been rejected by the voters before and will probably be rejected again; and further suggested that specific State Trust land be identified for wildlife as well as identify specific land that it would be traded for. Lastly, Mr.

Bahr noted that HCR 2068 (Forest Service Road Management Plan) contained a number of inaccuracies including the percentages and the numbers of miles of roads closed or left open.

* * * * *

9. Call to the Public

Mike Callahan, Senior Vice President of Business Development with Cabela's, addressed the Commission regarding 568 applications for the elk and antelope draw that were sent via UPS and did not arrive at the Department before the deadline, and were therefore not accepted. Mr. Callahan further suggested that the Department change their policy in 2009 to accept the postmark date, and in anticipation of that change, to make the concession to extend the deadline to those applications that were postmarked no later than February 11 of this year.

Chairman McLean noted that the Commission was precluded by law from discussing matters brought before them during the Call to the Public because the public has not been noticed that those matters will be discussed. The Department informed Cabela's prior to this meeting that they needed to request this matter to be on the agenda, but the Department did not get a request from them to do that.

* * * * *

Meeting recessed for a break at 10:44 a.m.

Meeting reconvened at 11:14 p.m.

* * * * *

4. (continued) State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles reported that the language for HCR 2037 as provided to the Commission by the Assistant Attorneys General had been distributed to the public. The language was as follows:

- A. Fish and wildlife resources in the State are held in public trust for the benefit of the citizens of this State, and the taking, possession and use of wildlife resources are subject to the control and regulation of the state government. Consistent with the public trust to conserve fish and wildlife, no law abolishing hunting, fishing or the harvest of wildlife shall be enacted.
- B. The citizens shall have the right to use methods and devices that are prescribed by statute or rule to hunt, fish and harvest wildlife.
- C. Subject to reasonable restrictions and regulations, public hunting, fishing and harvesting of wildlife are preferred means of managing and controlling fish and wildlife resources.

Motion: Golightly moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DISCUSS THE LANGUAGE FOR THE PURPOSE OF APPROVING THE LANGUAGE PROVIDED BY THE ASSISTANT ATTORNEYS GENERAL.

The Commission further discussed the language with Mr. Odenkirk. The language establishes that the State shall have control of regulation of wildlife under the public trust for the benefit of the citizens, and under that authority the Commission would retain the responsibility to manage wildlife; if it requires closing a season to protect a species for a period of time, that authority would remain with the Commission.

Chairman McLean suggested adding to the motion that the Commission's designated Legislative Liaisons have the authority to do some negotiating on the language if necessary.

Commissioner Martin suggested adding the following sentence from the last draft in Section A: "This section does not invalidate any statute, rule or regulation that is in effect November 4, 2008".

Motion: Martin moved and Golightly seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION.

Vote: Unanimous

Amended Motion: Golightly moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE LANGUAGE PROVIDED BY THE ASSISTANT ATTORNEYS GENERAL; AND THAT THE COMMISSION'S DELEGATED LEGISLATIVE LIAISONS HAVE THE AUTHORITY TO NEGOTIATE ON THE LANGUAGE IN AN EMERGENCY; AND THAT THE SENTENCE FROM THE LAST DRAFT IN SECTION A, "THIS SECTION DOES NOT INVALIDATE ANY STATUTE, RULE OR REGULATION THAT IS IN EFFECT NOVEMBER 4, 2008", BE ADDED TO THE LANGUAGE.

Vote: Aye - McLean, Hernbrode, Martin, Golightly
Nay - Woodhouse
Passed 4 to 1

* * * * *

5. Information and Education Activities Briefing

Presenter: Ty Gray, Assistant Director, Information and Education Division

The Commission was provided with an Information and Education Program Report prior to this meeting (also provided to the public), which presented new information as well as progress toward ongoing issues and concerns related to Information and Education programs. The update covered activities and events that occurred since the February 2008 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding the Department's Information and Education programs.

Commissioner Hernbrode requested that in regards to the promotion of ATVs in publications, that it be made clear that the Department only promotes the reasonable on-road use of ATVs that does not destroy habitat.

* * * * *

6. Statewide Shooting Range Briefing

Presenter: Jay Cook, Education Branch Chief

The Commission was provided with a Statewide Shooting Range Update prior to this meeting of Department activities related to shooting range support and development statewide (attached to these minutes). The update, also available to the public, covered activities that occurred since the February 2008 Commission meeting. The statewide shooting range briefing is part of the Department's ongoing commitment to provide the Commission with updates on statewide shooting range development and shooting sports in general.

Mr. Cook provided a Power Point presentation to the Commission on the following additional updates:

Adair Shooting Range Acquisition – Department staff met with Yuma County and the Adair Shooting Range on February 29. The County requested that the Department submit a proposal for the transfer. The Department will coordinate with the Arizona Department of Administration for prior approval.

Ben Avery Shooting Facility – A proposed fee schedule was identified as a need in the Ben Avery Shooting Facility Master Plan. The last fee adjustment was July 1, 2001. A draft new fee schedule was provided to the Commission. There will be a two month public comment period and then the Department will present a recommendation to the Commission in May. If approved by the Commission, it will become effective July 1, 2008. The following is an outline of the proposed fee increase justification:

- Employee Salaries – Base 2001 salaries doubled due to CMR, health/retirement benefits, other wage increases
- Increased staffing
- APS and Electricity Usage (72% increase)
- Waste Management (100% increase)
- Janitorial supplies/trash bags (81% increase)
- Wood for Target Frames (14% increase)
- Archery Targets (18 - 45% increase)
- Fuel (48% increase)
- Clay Targets (23-25% increase for pitch targets, 28-30% increase for biodegradable)
- Other Employee Related – health testing, equipment, training

Chairman McLean requested that the Commission be provided with a matrix that compares fees for similar ranges by the May Commission meeting, and suggested that Mr. Cook look into the membership fees at Rio Salado that provide for range time.

Commissioner Golightly requested a report on how the increased fees will affect the bottom line of the range operation and some projections on what the corporate business might be at the range next year.

Ben Avery Shooting Facility Master Plan, Mounted Shooting Center Development – The Arizona Cowboy Mounted Shooting Association (ACMSA) met with the Department on March 5, 2008. They have developed a Fundraising Campaign (Brochure, Posters, etc) to support the development of the mounted shooting arena. The Department has established a Donation Account and the ACMSA has provided the Department with a draft Agreement & Preliminary Site Plan. The ACMSA is asking the Department for approval before approaching sponsors/corporations for large donations.

Motion: Golightly moved Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE SPONSORSHIP NAMING PRIVILEGES AS AN ACCEPTABLE CONDITION IN RECEIVING DONATIONS FOR MASTER PLAN DEVELOPMENTS.

Chairman McLean stated that this was an excellent idea but that it needed to be tempered with some reasonableness such as the advertising must be kept appropriate for a public facility. Also, maybe rather than name the arena after one sponsor, name it the Mounted Shooting Arena and have several sponsor advertisings around the arena.

Vote: Unanimous

Northern Arizona Shooting Facility – The Department has received and is reviewing the collection agreement provided by Coconino National Forest.

Chairman McLean reported that he has had continuing discussions with the National Rifle Association and they have continued to offer assistance to the Department with regard to issues related to land acquisitions.

* * * * *

7. An Update on Current Issues, Planning Efforts, and Proposed Projects on All Lands in Arizona and Other Matters Related Thereto

Presenter: Josh Avey, Habitat Branch Chief

A copy of the Lands Update report was provided to the Commission prior to this meeting and is included as part of these minutes. The update addressed decisions or activities since the February 2008 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all State and Federal lands in Arizona.

Mr. Avey provided one additional update. The Department continues to play a prominent role in the Western Governor's Association Wildlife Corridor Initiative. In addition, the Department has recently been added to the Governor's Transportation Planning Committee.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO APPROACH THE FOREST SERVICE REGARDING THE DACITE MINE IN THE SUPERSTITION WILDERNESS AND PROPOSE THAT THE MINE BE GATED TO PREVENT ENTRY AND STAND FIRM THAT THE MINE NOT BE DESTROYED IN ORDER TO PROTECT THE BAT RESOURCE.

Mr. Avey stated that Commissioner Hernbrode's motion would support the Department's efforts.

Vote: Unanimous

Commissioner Hernbrode requested that the San Pedro access issues at Dudleyville be on a future agenda for discussion and also an update on the Malapai National Conservation Area Plan.

Chairman McLean requested an update on the issues regarding the Coolidge annexation into hunting territory.

Commissioner Martin asked about the uranium mining potential near the Grand Canyon National Park and what impacts to wildlife there may be specific to that area of the state.

Mr. Avey stated that there will be continued efforts for mining exploration which will cause a five acre footprint for a number of sites. There is an excess of 10,000 mining claims in the area of the Grand Canyon. The BLM has only processed about 59 of those applications, so that is 59 exploratory efforts that could have significant impacts on wildlife resources. At this time the Department does not know those locations or what stage of the process they are in. The wildlife impacts that could arise are primarily water contamination that is typically associated with poorly administered uranium mines, and then the subsequent watershed damage that could follow anywhere below those mining activities.

Commissioner Martin added that she heard that the mining industry in that location was looking to identify drill sites near water catchments in order to use those roads, and asked if that would lead to increased concern in terms of wildlife disturbance due to the activities as well as water contamination.

Mr. Avey stated that it would absolutely elevate the concerns. Water rights associated with uranium mining are very significant to administering a mining site.

Chairman McLean added that he also heard that the mining industry was tracking those Forest Service roads and the water catchments that the Department and other organizations have been building. The Department needs to do what they can to mitigate or stop it if possible.

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO JOIN THE COCONINO COUNTY BOARD OF SUPERVISORS AND OPPOSE URANIUM MINING DEVELOPMENT IN THE VICINITY OF THE GRAND CANYON AND REQUEST THAT THE ARIZONA CONGRESSIONAL DELEGATION OBTAIN SUCH A WITHDRAWAL FROM THE MINING ENTITIES.

Vote: Unanimous

* * * * *

8. Request for Commission Approval of the Exchange of Land at the Becker Lake Wildlife Area in Apache County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

Mr. Avey briefed the Commission. The Department was approached by the adjacent landowners at the Becker Lake Wildlife Area to exchange approximately .87 acres at the south end of the wildlife area. The Wilkins' have requested this land exchange to resolve management and access issues to both parcels. The Department will acquire 1.11 acres of alfalfa field and one acre-foot of water right from the Wilkins in exchange for .87 acres. The Commission was provided with a map of the area.

Chairman McLean confirmed with Mr. Odenkirk that this would have no impact on the Zuni Water Settlement.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE EXCHANGE OF .87 ACRES OF LAND AT THE BECKER LAKE WILDLIFE AREA FOR 1.11 ACRES OF LAND AND ONE ACRE-FOOT OF WATER RIGHT AND AUTHORIZE THE DEPARTMENT TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE EXCHANGE AS RECOMMENDED AND APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

* * * * *

9. Call to the Public

There were no requests to speak to the Commission at this time.

* * * * *

Meeting recessed for lunch at 11:59 a.m.

Meeting reconvened at 1:08 p.m.

* * * * *

10. Request by Mr. Rick Jones to be Awarded Two Bonus Points from the 2007 Fall Draw.

Presenter: Harry Seck, Assistant Director, Special Services

Mr. Rick Jones, when applying for a 2007 fall deer permit, included two applications and one check in a single envelope. His application was rejected in accordance with Arizona Commission Rule R12-4-104.G which states that an applicant shall enclose payment for a hunt permit-tag with a single hunt permit-tag application form, made payable in U.S. currency to the Arizona Game and Fish Department, by certified check, cashier's check, money order or personal check. This rule was effective March 11, 2006 and was included in the 2006-07

Arizona Hunting and Trapping Regulations. Also in the Required Information on the back side of the paper application for the 2007 hunts and on page 2 of the application on the Department's web site the following is stated: "You must use a separate application *AND* a separate envelope for each genus (deer, elk, etc.) for which you apply. No more than one (1) application (up to 4 applicants) may be included in the same envelope. *NOTE: All hunt choices for each genus, regardless of weapon type, must be requested on the same application.*" The Commission was provided with all the documentation including correspondence related to this request prior to this meeting for review and consideration.

Mr. Jones was not present.

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DENY THE REQUEST TO AWARD TWO ADDITIONAL BONUS POINTS TO MR. JONES.

Vote: Unanimous

* * * * *

11. Request by Mr. Leroy L. Krieg for a Hearing to Issue Him a 2008 Desert Bighorn Sheep Tag or Reinstate His Bonus Points for Bighorn Sheep from the Fall 2007 Draw.

Presenter: Harry Seck, Assistant Director, Special Services

Mr. Krieg successfully drew a tag in 2007 for hunt 6002 (Unit 12A and 12B West, Any Ram, December 1-31, 2007). According to the Statement of Facts provided by Mr. Krieg he did not successfully harvest an animal. He also indicated that information was made available after the conclusion of the hunt that the herd is and has been infected with harmful levels of Pasteurella and blue tongue. He also indicated the condition of the herd in the unit was known. He further states that all hunters rely on the information the Department disseminates to the public for their selection of units they would like to be drawn for. He further stated the above information should have been made available to the hunting public, and then there would have been no question on the part of any hunter who applies to that hunt/area. Mr. Krieg's proposed remedy is the issuance of a 2008 bighorn sheep tag or the reinstatement of his bonus points.

Commissioner Golightly recused himself from discussion or action on this agenda item because he was in the area during the same hunt as Mr. Krieg.

Public Comment

Leroy Krieg was present and addressed the Commission in support of his request and added that there were no mature rams in the area to be taken.

Larry, a guide in Arizona since 1972, addressed the Commission on behalf of Mr. Krieg stating that he covered one end of the unit to the other and did not find a mature ram. Current data from the Department shows only one class 4 ram. Quotas are set by class 3 and class 4 animals, but class 3 animals should not be taken and they did not find a class 4 animal.

Motion: Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DENY MR. KRIEG'S REQUEST FOR A 2008 BIGHORN SHEEP TAG OR THE REINSTATEMENT OF THE BONUS POINTS HE ACCRUED PRIOR TO THE 2007 FALL HUNT DRAW.

Vote: Aye - McLean, Hernbrode, Martin, Woodhouse
Golightly recused
Passed 4 to 0

* * * * *

12. Establishment of the Commission's Conservationist Committee

Presenter: Bob Broscheid, Assistant Director, Wildlife Management

Mr. Broscheid provided the Commission with a draft charter for the newly established Conservationists Committee chaired by Commissioner Martin.

Commissioner Martin requested that the Conservationists Committee start without a charter in place and allow the committee members to help craft how they think this committee should function.

The Commission discussed who would be on the Committee and was in consensus that each Commissioner would consider 3-4 members and bring those names back to the April Commission meeting for discussion and to approve a list of members. After that point, the committee would draft a charter which Commissioner Martin will bring back to the Commission for approval.

* * * * *

13. Memorandum of Understanding among several State of Arizona Cooperators to Implement an Arizona Approach to Prevention and Management of Invasive Species and an Arizona Center for Invasive Species.

Presenter: Bob Broscheid, Assistant Director, Wildlife Management Division

The Arizona Invasive Species Advisory Council (Council) was reconvened by the Governor's Executive order 2007-07 in June 2007. The primary goal of the Council is to develop a statewide invasive species management plan that will be presented to the Governor by June 30th of 2008. In order for Arizona to be in the forefront of Invasive Species Management, it is necessary to: seek common, consensus-based approach to implementation of Invasive Species management strategies; unify agencies of the State of Arizona in those common strategies; and improve coordination and communication across jurisdictional boundaries, while promoting efficient use of resources and removal of unnecessary redundancies. To ensure that Arizona is in the forefront of invasive species management, the Council developed a Memorandum of Understanding (MOU) among the State and Federal land and resource management agencies, and other stakeholders. The purpose of the MOU is to establish a framework for cooperation and participation among the cooperators to promote and implement a common approach for Invasive

Species management in Arizona consistent with the Governor's Executive Order 2007-07. In particular, the MOU provides a framework for an Arizona Center for Invasive Species, which is intended to be a virtual network of partners that will coordinate and share resources and in an effort to address Arizona's invasive species issues.

The Commission discussed the MOU with the Attorneys General and Director Shroufe. Director Shroufe stated that he chaired the AISAC meeting yesterday with all the other State agencies present, and they had unanimously approved this MOU.

Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO FINALIZE NEGOTIATIONS, EXECUTE, AND AMEND AS NECESSARY A NEW MEMORANDUM OF UNDERSTANDING AMONG THE DEPARTMENT AND THE DEPARTMENTS OF AGRICULTURE, HEALTH SERVICES, WATER RESOURCES, STATE LAND, TRANSPORTATION, THE ARIZONA BOARD OF REGENTS, AND THE OFFICE OF THE GOVERNOR TO IMPLEMENT AN ARIZONA APPROACH TO PREVENTION AND MANAGEMENT OF INVASIVE SPECIES AND AN ARIZONA CENTER FOR INVASIVE SPECIES.

Vote: Unanimous

* * * * *

14. Request for the Commission Approval of the Program Narrative for U.S. Coast Guard Boating Safety Funds (Federal FY 2008 / State FY 2009)

Presenter: Pat Barber, Law Enforcement Branch Chief,

The Program Narrative detailing the expenditure of U.S. Coast Guard (USCG) boating safety funds by the Arizona Game and Fish Department was provided to the Commission prior to this meeting for review and consideration for approval. In addition, the Department requested the Commission to consider and approve funding to add one Full Time Employee (FTE) funded through the USCG to create a full-time administrative assistant position within the Boating Safety Education Program. This position will be utilized to accomplish and support boating education program objectives. The narrative details the Department's watercraft activities and obligations for State FY 2009 once approval is granted by the USCG. It addresses the grant period of October 1, 2007 to September 30, 2008, and reflects the legislatively mandated watercraft responsibilities of the Arizona Game and Fish Department.

Commissioner Hernbrode asked how this fits in with the current moratorium on hiring.

Chairman McLean asked about the FTEs being paid out of the Watercraft Fund in light of current budget issues.

Director Shroufe stated that the Governor's Office has issued a hiring freeze, but there is a caveat for positions related to public safety and health, and revenue collection. The Department has sent those position classification to ADOA for approval and will know by next week which ones of those are approved. Also, this position will be paid out of U.S. Coast Guard funds and is a separate issue from the Watercraft Fund. If the Commission approves this today and then issues

arise, the Department will wait for relief from the Governor's Order prior to hiring for this position.

Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE CREATION OF ONE ADDITIONAL FTE AS WELL AS THE PORTION OF THE DEPARTMENT'S WATERCRAFT SAFETY PROGRAM FUNDED BY THE U.S. COAST GUARD MONIES PURSUANT TO THE FEDERAL BOATING SAFETY ACT OF 1971.

Vote: Unanimous

* * * * *

Meeting recessed for a break at 1:57 p.m.

Meeting reconvened at 2:08 p.m.

* * * * *

15. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

Presenter: Pat Barber, Law Enforcement Branch Chief
Gene Elms, Wildlife Law Enforcement Project Coordinator

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

* * * * *

Meeting recessed for a break at 3:36 p.m.

Meeting reconvened at 4:03 p.m.

* * * * *

16. Web Casting of Commission Meetings

Presenter: Bob Miles, Information Branch Chief, Information and Education Division

Mr. Miles briefed the Commission on the Department's evaluation of the feasibility of web casting for public use all Commission meetings which would be conducted in the Quail Room (auditorium) located at the Department's Headquarters facility. Technology has advanced to the point that a reliable and affordable system can be operated that allows for increased public access to Commission meetings using a web video streaming. The public would be able to access Commission proceedings and view live or archived meetings through the Department's web site. Features to the system include searchable archives that allow a section of any meeting to be retrieved at any time using a simple keyword search or meeting date. Agendas, meeting minutes and staff documents can be linked and integrated with audio/video files creating a dynamic public record. Detailed reports will be available to show the number of viewers, bandwidth use, and content popularity. The Department has been consulting with an experienced company that does web casting for government agencies only.

The Commission discussed with Mr. Miles the cost of the system, which depends on the level of services, and other potential uses of the system such as for training purposes. The system could potentially save a lot of money in travel expenses.

Motion: Martin moved and Golightly seconded THAT THE COMMISSION VOTE TO APPROVE THE DEVELOPMENT, INSTALLATION, OPERATION AND MAINTENANCE OF A SYSTEM THAT WILL ALLOW THE PUBLIC TO VIEW LIVE AND ON-DEMAND VIA THE WORLD WIDE WEB ALL COMMISSION MEETINGS CONDUCTED IN THE QUAIL ROOM LOCATED AT THE DEPARTMENT'S HEADQUARTERS; AND TO ALLOW THE DEPARTMENT TO SEEK OUT AND PURCHASE THE APPROPRIATE SYSTEMS.

Vote: Unanimous

* * * * *

17. Supplemental Spending Plan For The Wildlife Conservation Fund

Presenter: Steve Ferrell, Deputy Director

Mr. Ferrell briefed the Commission on the Wildlife Conservation Fund Supplemental Spending Plan. The briefing included a request for modification of the supplemental spending plan for Fiscal Years 2008 and 2009, approved by the Commission in September 2007.

The Department proposed to move the funds for the EIS for the Northern Arizona Shooting Range to the FY2009 budget. Progress on the Northern Arizona Shooting Range is delayed so those funds will not be used in FY2008. The Department requested that the Commission allow the Department to go to the second tier of projects and implement the Database Maintenance. Mr. Ferrell described two databases that the Department was looking to upgrade that could be completed this fiscal year: 1) the HDMS GIS activities, a web based system to the Heritage Data Management System. Upgrades would allow more users to have access and would allow a contract vendor to install those upgrades and assume continuous maintenance of the database; and 2) the Game Management Database; purchase the third of four modules that would upgrade this database allowing the regions to input data directly into the system. This would assist in the hunt recommendation process. The fourth module (the online questionnaire module) is planned for FY2009. The costs for these upgrades are within the budget amounts in the spending plan.

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE REVISED SUPPLEMENTAL SPENDING PLAN AS PRESENTED.

Vote: Unanimous

* * * * *

18. Call to the Public

There were no requests to speak to the Commission.

* * * * *

19. Director and Chairman's Report

Chairman McLean reported that he has been involved with a lot of legislative work; has worked with the National Rifle Association on getting additional assistance with the Northern Arizona Shooting Facility land exchange; and attended meetings of the E-Commerce Evaluation Committee for the online draw.

Director Shroufe reported that the Department closed on the sale of Deer Valley North property last Friday. He chaired the Invasive Species Council meeting in which the results of two working groups were unanimously approved. He met with ADOA Human Resources to obtain permission for additional pay increases, which includes changes in the system for non-wildlife series employees that will allow them to earn increased pay through training. The budget committee has been working on this and will include it in the budget for the Commission to consider in June. On the Bald eagle judgment, as of yesterday the Bald eagle in Arizona is re-listed as a threatened species until the completion of a 12 month assessment by the U.S. Fish and Wildlife Service. (The Commission was provided with a copy of the judgment). On the topic of Bald eagles, the Department was notified this week by the Secretary of the Interior that the Department has received the prestigious Pioneers in Conservation Award for the management of the Bald eagle for the last 15 years. The U.S. Fish and Wildlife Service are going to be looking at the status of a list of 92 species, including plant species, in the United States. Two of those species in Arizona are the San Bernardino Ambersnail and the Threeforks Springsnail, both of which have been extirpated. Through the Wildlife Linkages program, a workshop was hosted by Maricopa County. The Department is hoping to take that workshop program to each county in the state. The Department is making progress with ADOT in developing road crossings for wildlife. Regarding the Black-tailed prairie dog program that the Commission was briefed on in March 2007, the Department has completed the 12 steps and is moving forward with the reintroduction program. Lastly, Rio Grande turkeys were introduced in the Black Rock area north of the Colorado River.

* * * * *

20. Commissioner's Reports

Commissioner Woodhouse participated in the teleconference meetings that all the Commissioners participated in; worked with the Department in Yuma on the Adair Shooting Range and had continuing conversations with folks from the Adair Range; also had several conversations with constituents on HCR 2037.

Commissioner Martin participated in the teleconference meetings; spent a lot of time at the legislature; and met with stakeholders groups.

Commissioner Hernbrode visited to the Sonoran Pronghorn project; spent a considerable amount of time on condor and lead issues and met with several people about the issues; and spent some time with Congressman Grijalva's staff working on the Tumacacori issue.

Commissioner Golightly participated in the teleconference meetings; worked on legislative matters and was present for Norm Freeman's nomination to the Commission; went to Glen Canyon for the dam release; and came to this Commission meeting.

* * * * *

21. Approval of Minutes and Signing of Minutes

Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM JANUARY 25-26, 2008, JANUARY 28, 2008, AND FEBRUARY 8-9, 2008.

Vote: Unanimous

Following approval, the Commission signed the minutes for January 25-26, 2008, January 28, 2008, and February 8-9, 2008.

* * * * *

22. Future Agenda Items

Deputy Director Ferrell noted the following future agenda and action items:

- Bring back the Espee Ranch Option Agreement for Commission approval in April
- Regarding the Ben Avery Fee Schedule, present a matrix that compares all proposed fees with similar fees at other ranges and also explain how the fees would affect the finances of range operation regarding profits or losses
- Regarding Dacite mine in the Superstition wilderness, propose to the U.S. Forest Service to gate it rather than destroy it
- Add to the Lands Update the San Pedro access issues at Dudleyville, the Malapai Borderlands Conservation Plan, and issues related to the annexation plans of the City of Coolidge
- Join the Coconino County Board of Supervisors oppose uranium development in the area of Grand Canyon and request that the Arizona Congressional withdraw those areas from mineral entry
- Add the Commission's Conservation Committee to the April agenda for the purpose of selecting the Committee's membership
- Include on a future agenda after April, the Wildlife Linkages presentation that was recently showed at the HPC meeting.

Commissioner Hernbrode added that the Director's Goals and Objectives needed to be on the April Commission meeting agenda.

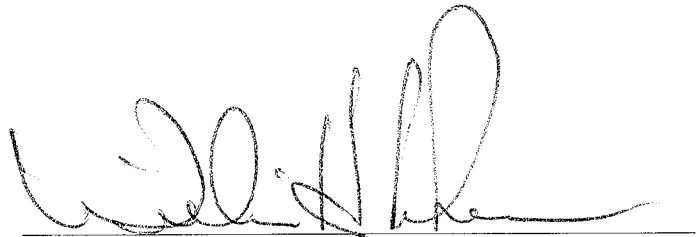
* * * * *

Chairman McLean adjourned the meeting.

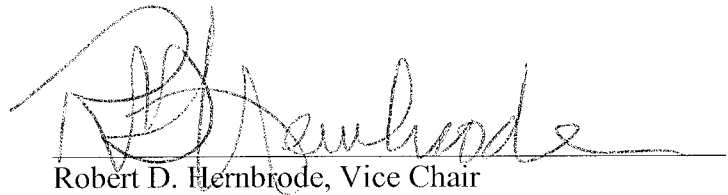
* * * * *

Meeting adjourned at 4:56 p.m.

* * * * *



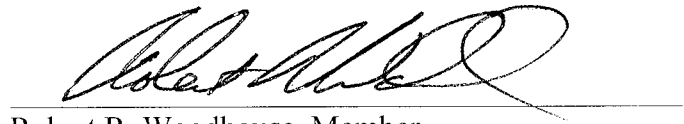
William H. McLean, Chair



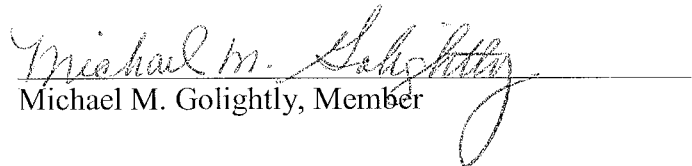
Robert D. Hernbrode, Vice Chair



Jennifer L. Martin, Member

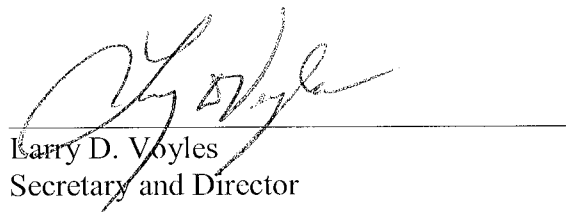


Robert R. Woodhouse, Member



Michael M. Golightly, Member

ATTEST:



Larry D. Voyles
Secretary and Director

Game and Fish Litigation Report
Presented at the Commission Meeting
March 8, 2008

The Assistant Attorneys General for the Arizona Game and Fish Commission and the Arizona Game and Fish Department are representing these agencies in the following matters in litigation. This report does not include claims and lawsuits for damages against these agencies in which the agencies are represented by Assistant Attorneys General in the Liability Defense Section of the Attorney General's Office.

1. *Wilderness Watch, Inc. et al. v. United States Fish and Wildlife Service et al., CV01185-MHM.* Plaintiffs filed suit on June 15, 2007, challenging the decision of the U.S. Fish and Wildlife Service ("FWS") to redevelop two water structures on the Kofa National Wildlife Refuge. The water structures provide supplemental water to wildlife populations that have suffered due to persistent drought. Plaintiffs allege that these water developments violate the National Environmental Policy Act because the FWS did not first determine the environmental impact of these projects. Plaintiffs also allege that such permanent structures are prohibited by the Wilderness Act. Plaintiffs seek declaratory and injunctive relief. They are asking the court to find that the FWS violated the law and to order the FWS to remove the structures.

The Commission has voted to file an application with the court to intervene on behalf of the FWS. Any court order finding that the FWS violated federal law will impair the Commission's ability to restore the wildlife populations in the refuge and in other wilderness areas in Arizona. The Attorney General's Office anticipates that a motion to intervene will be filed by August 15th.

On August 7, 2007, the State filed its Motion to Intervene. Plaintiffs, in response to the State's motion, did not object to the State's permissive intervention, so long as the court imposes restrictions on the State's participation, such as page limits, requiring the State to file joint briefs with the other intervenors, and prohibiting the State from duplicating arguments made by the federal defendants. On August 29, 2007, the State filed a reply in support of its Motion to Intervene and opposed any restrictions on the State's intervention.

On August 20, 2007, the State also filed a response to plaintiffs' Motion for Temporary Restraining Order.

On August 30, 2007, the federal defendants filed an answer to plaintiffs First Amended Complaint.

The court has issued a scheduling order for the parties to file motions for summary judgment. The plaintiffs' motion is due December 14, 2007; the defendants' cross-motion and response is due February 1, 2008; plaintiffs' response/reply is due February 29, 2008 and defendants' reply is due March 14, 2008.

Plaintiffs have withdrawn their motion for a temporary restraining order so the status quo will remain until the court rules on the motions for summary judgment.

As for the motions to intervene filed by the State of Arizona and various conservation organizations, the court has indicated it will not likely rule on these motions prior to the time the

parties file their motions for summary judgment. The court, however, granted permission to the applicants for intervention to file motions for summary judgment. Also, the plaintiffs stated on the record that they have no objection to the State of Arizona intervening in the case.

On February 1, 2008, the State of Arizona, the Federal Defendants and Conservation Groups filed separate cross motions for summary judgment and responses to Plaintiffs' summary judgment motion.

On February 29, 2008, Plaintiffs filed a response to the cross motions for summary judgment. Defendants have until March 14, 2008, to file replies.

On March 4, 2008, the court granted the motions to intervene by the State of Arizona and the Conservation Groups.

(3/6/08) (JFO/SDC)

Lands Update
For the Arizona Game and Fish Commission
February 29, 2008
Tucson, Arizona

FEDERAL LAND MANAGEMENT PLANNING

Apache Sitgreaves National Forest

In a press release dated February 15, 2008 the Apache-Sitgreaves National Forests announced the availability of the modified proposal for motorized use on the Forests as well as the scheduling of ten open houses to be held in Show Low, Springerville, Clifton, Safford, Heber, and Alpine on March 6 and March 8. On February 22, 2008 the Department obtained a copy of the Modified Proposed Action and maps of the modified proposal. The Department is in the process of reviewing this material and will provide comment to the Forest. The Forest has requested receipt of written comments by March 14, 2008.

Coconino and Kaibab National Forests

The Region continues to stay involved with Kaibab National Forest on Plan Revision and held a meeting to discuss how to integrate Department data into their planning process. We also discussed how desired future conditions were being developed for the plan. The Region recently commented on the Socio-Economic Assessment for the Coconino Plan Revision. The Department expressed that the Forest recreation program is the Coconino's greatest contribution to the area's economic and social needs, and the program deserves more funding and attention from the Forest.

SB 1441 HABITAT RESTORATION AND ENHANCEMENT FUND

Sheep Wash Ecosystem Restoration

Since the last Lands Update reporting period the Clifton Ranger District has mechanically thinned an additional 25 acres and applied prescribe fire to an additional 300 acres within the NO Bar portion of the project area. Precipitation and saturated soils has been a factor during this reporting period.

All Specialist Reports for the Mallet analysis have been completed and the Decision Notice for the project is expected to be signed within the next week.

Anderson Mesa Grassland Restoration

The Anderson Mesa Collaborative Group met January 26th in Flagstaff to review progress and talk about next year's work. Approximately 10,000 acres of habitat treatment was accomplished this year along with archaeology clearance for more than 21,000 for treatment and fencing five wetlands. Because it has been five years since we completed the collaborative planning, Regional personnel convened an "expert group" to review the direction and progress toward the original goal of improving pronghorn fawn recruitment and increasing population size. The

expert group included agency people and involved ranchers (AAF was also invited but could not attend). The expert group concluded that fawn recruitment has improved but the data is unclear on whether the population has increased. Both groups agreed it was premature to discuss whether the habitat treatments should come to an end since we still have funding from the NRCS payments on the SB1441 projects for either one or two more seasons of work.

U.S. FOREST SERVICE

Apache-Sitgreaves National Forests

The Department provided comments on the Scoping Report for the Rim Lakes Forest Health Project on the Black Mesa Ranger District (Game Management Unit 4A). The Proposed Action includes the mechanical thinning of approximately 27,200 acres of Ponderosa pine and mixed conifer habitat, restoration through the removal of encroaching conifers of 550 acres of meadow and riparian habitat, and the application of prescribed fire to 32,500 acres of the 33,600 acre project area. The project will address hazardous fuel loading to reduce the risk of uncharacteristic stand replacing crown fire within the project area. The Department expressed support for the removal of excess fuels through the appropriate use of mechanical thinning in conjunction with the application of prescribed fire. The Department also expressed support for a non-significant, site-specific Forest Plan amendment for this project allowing openings from burning to range up to 10 acres in size. The Department cautioned the District that care must be taken to retain critical habitat components such as snags, down woody debris, hiding and thermal cover, and sufficient patches of relatively high basal area with interlocking crowns capable of supporting density dependent species.

The Department provided comments on the Scoping Report for the Rim Lakes Wildlife and Public Safety Project on the Black Mesa Ranger District (Game Management Unit 4A). The Proposed Action includes the upgrading of approximately 8.75 miles of roads to higher maintenance levels to provide for safe egress and ingress for the public in the Rim Lakes Recreation Area and formalizing the current motor vehicle restrictions through Special Forest Orders for the Carr Lake and Palomino/Deer Lake Wildlife Habitat Areas. The Department expressed support for the Proposed Action.

Coconino National Forest

The Department has officially withdrawn from the Greater Flagstaff Forests Partnership (GFFP). Since the Forest recently completed the planning phase of all GFFP projects, the Partnership has been struggling to re-define their scope and direction. Most recently, the Partnership has converted to an all-volunteer organization and has shifted its emphasis away from project planning and toward areas of forest-product vendor training, prescribed fire smoke impact remediation, and community outreach. At this time it is not clear if the Forest will re-engage with the Partnership. When forest restoration project planning was the primary scope of the Partnership, the Department was fully engaged and committed to ensuring that wildlife habitat remained a top goal among restoration objectives. In light of this change in scope, however, the Department does not find any benefit in remaining with the Partnership but will continue to engage in other forest restoration groups and activities throughout the state.

Coronado National Forest

The Department met with the Nogales Ranger District and U.S. Fish and Wildlife to discuss the planned dredging of Pena Blanca to mitigate mercury contamination. The discussion centered on the Department's desire to maintain a minimum pool during the dredging to maintain the existing fish population. Because the Forest Service is unsure of the extent of the dredging that will be required to address the mercury contamination it is not known at this time if it will be possible to maintain the minimum pool as requested. If this is not possible, the Department has requested that the Forest Service include funding for the reestablishment of the fish population through stockings once the project has been completed. The project is on schedule and is out for bid at this time. The Forest Service plans to implement this project in September of 2008.

The Department is in the process of trapping turkeys in the Huachuca Mountains and translocating them to the Santa Catalina and the Santa Rita mountains. The goal is 10 males and 15 females in each of those 2 mountain ranges. As of 2/20/08 10 males and 14 females have been released in the Catalina's and 7 males have been released in the Santa Rita's. These translocations are part of our ongoing Gould's turkey restoration program in accordance with the Southeastern Arizona Wild Turkey Management Plan co-written by biologists from USFS, BLM, AZGFD, Fort Huachuca, and the National Wild Turkey Federation.

The Coronado National Forest is co-hosting the Conservation Workshop with AGFD, scheduled for May 30 to June 1 in the Pinaleño Mountains.

The Department continues to serve on the ID team for the Pinaleño Ecosystem Restoration Plan. The Draft Environmental Impact Statement is currently being prepared. The proposed action will cover on-the-ground treatments to improve Forest health and improve or protect habitat of the Mount Graham red squirrel.

Kaibab National Forest

Region II personnel attended a meeting on the McCracken Project. This is a fuels reduction project that encompasses a portion of the pronghorn movement corridor that extends from their summer range on Camp Navajo and Garland Prairie to their winter range on the southwestern most portion of the Coconino National Forest. Dan Gaska, Lee Luedeker, and Forest personnel recently tracked two groups of pronghorn moving through this country and we provided this GPS information to the McCracken Project ID Team. The District has been really responsive to the idea of reviewing treatments along the route to see if we can benefit the pronghorn. The Forest is now developing alternatives for treatment.

Prescott National Forest

At the request of the US Forest Service (USFS) Region III Office, Regional personnel participated on a conference call to discuss grazing issues on Horseshoe allotment. Other participants included Dr. Yard (permittee), his lawyer, and Jim Chilton representing the Arizona Cattle Growers Association. The discussion focused on the possibility of allowing livestock grazing on the Verde River. This issue has been ongoing for more than ten years.

Tonto National Forest

The Department reviewed the TNF Recreation Facility Analysis: 5-year Proposed Program of Work and provided comment. The analysis process is a national process designed to align the Forest recreation management costs with budget resources, while maintaining standards suitable for public use and enjoyment. Future management options included: decommission, closure, seasons of use, fee changes, site conversions, site developments and improvements. Currently the Forest's budget does not meet the costs. Many facilities are very old and have not received deferred maintenance investments. Others are not used or do not meet current demands. Plan goals are to operate and maintain to standards with changing revenue streams, reduce deferred maintenance, focus on the sites that meet current needs, and maintain customer satisfaction.

The Department provided the following comments and concerns include the following:

- Build public trust and support for management actions such as partial or seasonal site closures or future fee use areas by accounting for the expenditure of those funds through some sort of public annual or biannual audit or report.
- Incorporate goals into their decision making and funding priorities for recreation, that align with Department goals and priorities to promote the recruitment and retention of the traditions of hunting and fishing across Arizona.
- Find solutions for the future that maintain or expand recreation access where appropriate, while minimizing the cost to the average American.
- Maintain a spectrum of opportunities from the highly managed to access for the undeveloped.
- Develop national recreation management budgets that meet the increasing demands for Forest access across the country, and rely less on expansion of local fee charges.

Coordinate with the Department at the local level when implementing closures that eliminate access for Arizona anglers, even seasonal closures.

Dacite Mine: The Region met with Mesa Ranger District to initiate the NEPA process for a potential administrative closure of the Dacite Mine area, ¼ mile within the wilderness boundary, and west of the Peralta Trailhead. The Dacite Mine was an important bat roost until human disturbance impacted bats. The Mine is in the Superstition Wilderness and the unsafe and wilderness non-conforming activities at the mine have made the Forest consider closing the mine by blasting the opening. The Department is trying to keep the mine open for bats, but has been working to reduce access by closing the road across state land accessing the mine trailhead.

Heber-Reno Driveway: The Region and the Tonto National Forest has had its third and final meeting to do an assessment of the disease risk of the existing sheep driveway. The Forest and Department met with permittees and veterinarians to examine driveway alternatives and ways to mitigate disease risk. The team prioritized mitigation measures and alternatives. This

information will be used by the Forest to help evaluate alternatives examined under their NEPA process for the driveway.

BUREAU OF LAND MANAGEMENT (BLM)

Arizona Strip Field Office

The Department continues to coordinate closely with the Field Office (FO) in development of implementation-level plans, including Travel Management Plans and associated route networks.

On February 14th, Regional staff joined Luke Thompson, Wildlife Manager for Unit 13B, and Kathleen Harckson, of the BLM, for a field trip to several grazing allotments in Unit 13B. Six grazing allotments will be undergoing the Standards and Guidelines investigation over the next several months, and a majority of these grazing allotments are within the Mojave Desert community. Due to recent fires in this area, as well as historical and present management, habitat conditions in many areas are poor. Many of these grazing allotments are in Areas of Environmental Concern (ACECs) and are within desert tortoise habitat. Several photos and notes were taken to present at a BLM meeting February 26th with our concerns. Next, field trips will be taken to each allotment to further discuss habitat issues and whether allotments are meeting, or working toward meeting, Standards and Guidelines as defined by the BLM's process. The Department recently engaged in an effort to address these issues, known as the Mohave Desert Initiative.

On February 14th Regional staff and the BLM visited the Pakoon Springs Restoration project. This is a project that is underway to restore a Mojave desert springs system to more of a natural spring, and seep that will provide stop over habitat for migrating birds as well as potential habitat for amphibians such as the relict leopard frog. Currently, the spring is in a developed condition due to past private land ownership with several waterlines, dugout pools, irrigation systems, and past crop fields. The long-term plan for this area is to develop a self-sustaining, natural springs system for native Arizona wildlife.

Havasupai Field Office

The Lake Havasu Field Office Record of Decision and Approved Resource Management Plan were released on July 9, 2007. The Department continues to coordinate closely with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

Hassayampa Field Office

The Hassayampa Field Office is developing a comprehensive Travel Management Plan for Central Arizona public lands, and is seeking public input to help determine where to provide connectivity for increased recreational value while minimizing impacts to the land and other resources. The Department provided input during public meetings regarding road and trail designations in the Bumble Bee, Table Mesa, Lake Pleasant, and San Domingo Wash areas and will continue to participate throughout the route designation process.

Lower Sonoran Field Office

The BLM is preparing a preliminary preferred alternative draft Resource Management Plan to be released for public review. The Department continues to participate in cooperative meetings and proactively develop comments throughout the planning process.

The Region is working with the Lands Program to develop a cooperative management agreement with the Bureau of Land Management for 18,000 acres of the Buckeye Hills adjacent to the Lower Gila River Wildlife Areas Complex. The Department will partner also with the Town of Buckeye.

Kingman Field Office

The BLM has planned a field trip to Tipperary Catchment on March 11, 2008. The catchment was scheduled for redevelopment this past January, but has been delayed due to concerns for wilderness values. All interested parties have been invited to attend the field trip.

The BLM has approximately two dozen Grazing Permit Renewals initiated and the Regional Office is in the process of reviewing them.

Yuma Field Office

The public comment period for the Yuma Draft Resource Management Plan/ Environmental Impact Statement (RMP/EIS) ended on March 14, 2007. The Department provided a formal comment letter regarding the draft RMP and remains engaged at both the Field Office and State Office levels to ensure consistency in regards to wildlife and wildlife management. The Department continues to meet with the BLM Yuma FO to review and discuss comments on the draft's preferred alternatives for biological resources, recreation, transportation, and public access.

Safford Field Office

Scott Cooke has accepted the position of Field Office Manager. Scott was the Gila District Renewable Resources Supervisor and a main point of contact for Region 5

The Department has been meeting with the Safford Field Office of BLM to review the road plan for the Field Office. Current roads have been located by GPS, and the Department has been assisting in BLM's 'route evaluation tree process.'

Tucson Field Office

The Tucson Field Office is currently developing a preferred alternative for the Middle Gila Canyons Transportation Plan. The Department and the public have provided extensive input on this plan. The BLM expects the plan to be available this spring. Currently the final draft EA is being reviewed internally by BLM Staff.

BLM NATIONAL MONUMENTS

Grand Canyon-Parashant National Monument / Vermillion Cliffs National Monument

The proposed final RMP/EIS was released on March 2, 2007 for the Arizona Strip planning area including the Grand Canyon-Parashant and Vermillion Cliffs National Monuments. The proposed final plan includes a series of unique route networks and designations.

Agua Fria National Monument

The draft RMP/EIS public review period ended on April 5, 2006 and the proposed final plan is expected to be released early 2008. The Department will be working closely with BLM to address submitted comments pertaining to wildlife and wildlife management.

Sonoran Desert National Monument (SDNM)

The BLM is preparing a preliminary preferred alternative draft Resource Management Plan in association with the Lower Sonoran management area to be released for public review. The Department continues to participate in cooperative meetings and proactively develop comments throughout the planning process.

BLM is planning on closing approximately the northern third of the SDNM to all vehicle entry early this year due to environmental damage caused by OHV use. The area to be closed is north of State Route 238 and the closure is expected to be in effect for 2-3 years. The Department will continue to work with BLM to regain vehicular access for wildlife-related recreation, including hunting, as expeditiously as possible.

Ironwood Forest National Monument (IFNM)

The Department remains engaged at both the Field Office and State Office levels to ensure consistency in regards to wildlife, wildlife management, and recreational opportunity. BLM is currently analyzing comments for incorporation into the Proposed RMP and Final Environmental Impact Statement.

U.S. FISH AND WILDLIFE SERVICE

Cabeza Prieta National Wildlife Refuge

The final Comprehensive Conservation Plan/Environmental Impact Statement for the Refuge has been released and we are awaiting a Record of Decision.

Kofa National Wildlife Refuge

The Department continues to work with the U.S. Fish and Wildlife Service (USFWS) to plan, fund, and implement actions to aid recovery of the bighorn sheep population on the Kofa NWR. Mule deer surveys on Kofa were completed on February 5, 2008. Population estimates have not been calculated as of this time but approximately the same number of deer was observed this year as were seen last year. More complete information on the management of bighorn sheep, lions, and water on the Kofa NWR can be found on the Department's web site. This web site is updated monthly.

DEPARTMENT OF DEFENSE (DOD)

Flagstaff Naval Observatory & Camp Navajo

The Department continues to collaboratively work on DOD Integrated Natural Resource Management Plans (INRMP) with both the Naval Observatory Flagstaff Station (NOFS) and the Army National Guard at Camp Navajo. The NOFS INRMP is nearing completion, and the Department has submitted final comments on the draft plan to the Navy. The Camp Navajo INRMP is in an earlier phase of planning, and Department is currently reviewing this plan.

The Florence Military Reservation (FMR) will no longer conduct live-fire artillery exercises. This is due to loss of their Arizona State Land permit and thus the firing boxes where the artillery was placed. The Land Department raised their permit fees beyond the fiscal capability of FMR. Currently the State Land in this area is being planned for urban development under the Superstition Vistas Master Plan which was contracted by the East Valley Partnership in cooperation with the Land Department. This 1.5 million dollar plan is expected to include FMR. The military is looking into how this will affect their facility and considering converting the area to a helicopter training area as they retain restricted airspace rights.

Yuma Proving Ground

The U.S. Army Yuma Proving Ground (YPG) is considering expanding up to 500,000 acres into Game Management Unit 41 through a withdrawal of BLM land. YPG is currently evaluating the possible expansion internally and has not developed or presented a formal proposal or application to further define the purpose, need, location, and details of the proposed expansion. The Department will be actively involved in this process and will provide the Commission with more information as it becomes available.

GENERAL UPDATES

Apache County

Department personnel continued to work on a project on Lee Valley Lake, Crescent Lake and Carnero Lake on the Apache-Sitgreaves National Forest in Apache County to address winter kill of trout. Recent surveys indicated that Crescent Lake and Carnero Lake would likely winterkill this year due to low oxygen levels. Extended ice cover, snow pack on the ice, low water levels going into the winter and extensive weed masses likely contributed to the low oxygen levels. Data gathered during these surveys should provide insight into developing ideas to prevent future winterkills in these and other high elevation lakes.

Arizona State Land Department

The Arizona State Land Department recently completed a study of urban trust lands located north of Oro Valley and south of the Pinal County line in Pima County. This area is identified as the Arroyo Grande area. The Land Department, for the first time, has incorporated an open space component in the plan. Oro Valley is considering annexing the entire parcel. If Oro Valley annexes, Pima County's Sonoran Desert Conservation Plan would no longer apply to the

area. This area is between the Santa Catalina and Tortolita Mountains and contains a significant wildlife linkage between the two.

Coconino County

The Coconino County Board of Supervisors recently invited the Department into the field to review a potential Highway 89 re-alignment project near Picture Canyon in eastern Flagstaff. The Department has been working with the county, and other stakeholders, on conservation of Picture Canyon to protect wildlife habitat connectivity and provide Watchable Wildlife access to the public. Re-alignment of a highway through this area would diminish those conservation values, and the Department will continue to work with the Board of Supervisors and ADOT on this project.

Flagstaff Multi-Agency Partnership

The Department has been working to develop a multi-agency partnership with Camp Navajo, NOFS, Coconino County, US Fish and Wildlife Service, US Natural Resource Conservation Service, and Arizona State Land Department to work cooperatively on land conservation issues west of Flagstaff. In the first phase of this partnership, the Department has been working closely with Coconino County and Camp Navajo to acquire Rogers Lake from the State Trust for conservation purposes. Protection of Rogers Lake would prevent wildlife habitat loss to urban development, maintain hunter access, prevent public complaints against military training activities, protect dark skies for the Naval Observatory, and fulfill Coconino County's open space planning objectives. If Coconino County acquires this property, they have agreed to develop a joint management agreement with the Department whereby the county would manage public recreation access and the Department would manage the wildlife and their habitats.

Little Colorado River

Department personnel met with Dr. Carl Pew, a local rancher and veterinarian in St Johns, Apache County, to discuss potential native fish projects on his property. He was very supportive of native fishes, including threatened and endangered species, and wanted to work with the Department to enhance and/or develop native fish populations on his property. He has a portion of the Little Colorado River running through his property, which may already contain native species such as Little Colorado spinedace, speckled dace, and suckers. He also has stock ponds and springs, which are isolated and could be developed into refuge areas. The Department will conduct fish surveys on the Little Colorado River with the rancher's support, discuss potential projects, and explore alternative funding to pay for sensitive species work on his private property.

Middle Gila Conservation Partnership (MGCP)

The MGCP met in Florence on February 20th to discuss future plans for the area. Of significance was the decision to present the MGCPs position on open space and development at the upcoming Pinal County Comprehensive Plan public meetings. The MGCP supports retaining public and State Land in public ownership for most of their planning area and supports the Pinal County Open Space and Trails Plan.

Northern Arizona Native Seed Alliance (NANSA)

The native seed group in northern Arizona has recently gained momentum and is undergoing the initial stages of Strategic Planning and creating a business plan. The group is becoming more

organized, and recently split into several working groups that will attempt to capitalize on grant opportunities and other funding sources. Region II is working on the Supply sub-group, which will focus on how to make headway on the supply side of the native seed issue.

Range Management and Monitoring

Personnel from Region III attended a course entitled Range 101, hosted by the Arizona Grazing Lands Conservation Association, Arizona Cattle Grower's Association, Society for Range Management, University of Arizona Cooperative Extension, and Arizona's Natural Resource Conservation Service. It took place at Mohave Community College on February 19th and 20th. The workshop was designed to provide livestock operators, Range Specialists, and Wildlife professionals with a basic understanding of the principles for range management and monitoring. Attendees learned to identify suitable ecological sites for monitoring the forage base and health in grazed rangeland ecosystems.

Transportation

The Department participated in the Environmental Interests Focus Group for the I-8 and I-10 Hidden Valley Framework Study hosted by MAG and partners. The study is midway through an 18 month process to establish long-range transportation networks (multimodal) for Maricopa and Pinal counties. The study is a regional plan that will establish recommendations that tier to a statewide framework study. The study does not replace site specific local studies, but creates the general location where alternatives would be developed for local transportation plans. The group discussed: wildlife habitat fragmentation, future connectivity needs and opportunities, the concepts of mitigation as a regulatory obligation versus enhancement as a goal to maintain wildlife habitat functions and values for all species, the need to link transportation with development planning, and the need consider the cumulative effects of transportation networks as opposed to site specific routes and impacts and identify thresholds at which impacts are environmentally irreversible or unacceptable. The project website is www.bqaz.org. The Department will continue to develop input for the regional planning effort.

The Region and Habitat Branch attended the kickoff meeting for re-construction and expansion of US60 between Superior and Globe. This reconstruction is greatly needed for safety reasons, but has great potential to decrease wildlife permeability, increase road-kills and impact habitats.

Uranium Mining Potential near Grand Canyon National Park

The US Forest Service has approved drilling for uranium at as many as 39 sites near the Grand Canyon's south rim, marking what may be the beginning of a rush to mine the radioactive mineral near the National Park. Since 2003, 805 new mining claims have been filed within five miles of the boundary of Grand Canyon National Park. Of these, 629 are recorded as uranium claims. During the same time period, 2251 claims have been staked within 10 miles of the Grand Canyon. The Kaibab National Forest reported on January 18, 2008 that they had more than 2,000 claims filed in the Tusayan Ranger district alone.

Generally, mines and mining waste may release radionuclides, including radon, and other pollutants into streams, springs, and other bodies of water. The highest concentrations of radium from uranium waste and residue is found in air and water samples from areas where uranium mining has occurred. Radium in the soil may be absorbed by plants and may accumulate in fish

and other aquatic organisms. Also, most human health risks due to energy production have the potential to threaten wildlife as well. Air pollution harms wildlife through acidification of lakes and streams, negatively affecting forage and prey species abundance. Acid deposition can also trigger the ionic release of aluminum which kills fish and aquatic invertebrates, and impacts calcium sources resulting in weaker eggshells from calcium-deprived birds. Acid mine drainage, chemical leaks, and toxic runoff from storage piles and tailings directly endanger local waterfowl and migratory birds. Water demands from mining may further alter water availability. Acid drainage mitigation options include neutralizing acid runoff with limestone, and impounding pyrite-bearing waste rock to avoid sulfuric acid formation. Unfortunately, such solutions are impermanent at best.

On February 5, 2008 the Coconino County Board of Supervisors unanimously passed a resolution opposing uranium development in the vicinity of the Grand Canyon and requesting that the Arizona congressional delegation obtain such a withdrawal from mineral entry.

Wood Supply Working Group (WSWG)

The Northern Arizona Wood Supply Analysis Working Group has completed its activities. The Forest Ecosystem Restoration Analysis (ForestERA) Group finalized their report, which is now available online. The final wood supply estimate for the study area was a conservative calculation that excluded sensitive habitats for wildlife; reasonably estimated available wood based on restoration objectives and desired future conditions, and conservatively delineated the wildland-urban interface (WUI). Consensus was reached among the multiple agencies and stakeholders that 40% of the study area could receive mechanical treatment. Supply estimates, and the varying levels of agreement on treatment will be provided to the Forest Service Region 3 office. The Forest Service will use this analysis for planning and potential Requests for Proposals for large-scale stewardship contracts throughout northern Arizona.

**Contact**

Bob Miles (623) 236-7226
Public Information Officer, AGFD

Arizona Game and Fish Department**NEWS RELEASE**

For immediate release March 6, 2008

**Arizona Game and Fish Commission concerned that
proposed legislation could impede wildlife management, bring lawsuits**

PHOENIX — The Arizona Game and Fish Commission has expressed concern to House Concurrent Resolution 2037, a proposed amendment that would create a new constitutional right to hunt and fish in Arizona.

The Game and Fish Commission voted on Feb. 21 to oppose the bill as written, after a legal review by the Attorney General's office advised that elevating hunting and fishing to a constitutional right could potentially hurt the state's ability to enforce wildlife laws or take wildlife management actions, and could open the door to lawsuits from individuals who feel their rights to hunt and fish have been adversely affected.

"We understand the desire of the bill's supporters to protect the ability of people to hunt and fish in Arizona into the future," said Commission Chairman William McLean. "While the concept sounds appealing on the surface, the language of this bill as currently written could contain many pitfalls for wildlife management and law enforcement."

The commission and the bill's supporters worked extensively over the past week in an attempt to reach a compromise on the bill's wording. But in a public commission meeting on Monday, the sides could not come to an agreement.

"Both sides made a diligent, good-faith effort to try to arrive at language that would satisfy the bill's supporters and alleviate our concerns, but in the end, we couldn't arrive at mutually acceptable language," said McLean.

Under current Arizona law, hunting and fishing are considered privileges, not constitutional rights. Making them constitutional rights could subject Game and Fish laws and regulations to a more stringent legal standard and increase disputes over whether those laws and regulations overly restrict someone's right to fish and hunt.

As an example, certain laws that regulate hunting and fishing, as well as the commission's decisions to revoke a person's hunting and fishing license privileges, would likely be subject to a strict scrutiny standard because they would interfere with a person's constitutional right to hunt and fish.

Yet another example, the commission is likely to face more legal challenges to its decisions on matters such as issuing a certain number of big game tags, establishing bag limits, and closing or limiting access to certain areas to protect wildlife habitat or benefit protected species, because these actions might interfere with the constitutional right to hunt and fish.

"In addition to the high expense of defending the lawsuits, the State could potentially face large damage awards, injunctions blocking the enforcement of hunt orders, challenges to road or land closures protecting wildlife habitat, court decisions declaring state wildlife laws unconstitutional, reversal of criminal convictions and revocation orders on constitutional grounds, and above all, the diversion of vital agency resources to defend the litigation instead of managing wildlife," said McLean.

The bill passed through the House Committee on Natural Resources and Public Safety yesterday by a 6-3 vote (and one committee member voting as present).

If ultimately approved by the Legislature, HCR 2037 would go to voters as a ballot referendum this fall.

-30-

The Arizona Game and Fish Department prohibits discrimination on the basis of race, color, sex, national origin, age, disability in its programs and activities. If anyone believes they have been discriminated against in any Game and Fish program or activity, including its employment practices, the individual may file a complaint alleging discrimination directly with the Game and Fish Deputy Director, 5000 W. Carefree Highway, Phx., AZ 85086, (602) 942-3000 or U.S. Fish and Wildlife Service, 4040 N. Fairfax Dr., Ste. 130, Arlington, VA 22203. If you require this document in an alternative format, please contact the Game and Fish Deputy Director as listed above or by calling TTY at 1-800-367-8939.